

09-10-04

DHC

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Christina M. Comperiere

SEP 08 2004

Christina M. Comperiere

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re the Application of: Sacha Ninkovic et al. | Group Art Unit: 1625 |
| Serial No.: 10/754,171 | Examiner: Not Yet Assigned |
| Confirmation No.: 8481 | |
| Filed: January 9, 2004 | Attorney Docket No.: PC 25144A |
| For: TRICYCLIC COMPOUNDS PROTEIN KANASE INHIBITORS FOR ENHANCING THE EFFICACY OF ANTI-NEOPLASTIC AGENTS AND RADIATION THERAPY | |

Mail Stop PETITIONS
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37 CFR 1.78(a)(6) PETITION

Sir:

In response to the dismissal of Applicant's "Corrective Filing Receipt" petition, the dismissal stated in the letter of the Office of Petitions mailed August 16, 2004 (copy attached), Applicants hereby petition under 37 CFR 1.78(a) (6) that an unintentionally delayed claim for priority be accepted.

In the preliminary amendment of this application dated June 23, 2004, Applicants filed the priority claim under 35 U.S.C. §119(e) by inserting the following new paragraph after the title of the application: "This application claims priority benefits under 35 U.S.C. §119(e) of a provisional application Serial No. 60/439,396". A copy of the preliminary amendment is attached.

The entire delay between the due date of the priority claim and the date that the priority claim was filed was unintentional. The priority claim was unintentionally left out when the application was filed on January 9, 2004 and such error was only discovered when the Filing Receipt of May 20, 2004 was reviewed. Applicants then filed a Preliminary Amendment asserting the priority claim, along with a request to correct the filing receipt. Upon notification by the Office of Petitions that the submission of the priority claim was untimely, Applicants have filed the present petition.

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Please charge \$1,330.00, the fee set forth in 37 CFR §1.17(t) to Deposit Account No. 500329. (A duplicate of this sheet is enclosed.) If any other fees are due in connection with the filing this petitions, please charge all necessary fees to the deposit account.

Respectfully submitted,

Date: Sep 8th, 2004

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